IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4968 OF 2005

Mr.Guddu Kumar Prithraj Gupta. ..Applicant.

V/s.

State of Maharashtra. ..Respondent.

Mr.C.N.Pndse h/f Mr.M.K.Kocharekar, for applicant.

Mrs. M.M.Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 22, 2005.

P.C. :

1. Heard counsel for the parties.

2. I see no reason to differ from the view already taken. In so far as the present applicant is concerned, who is accused No.1, while rejecting earlier bail application on February 3, 2003, arguments canvassed on merits were duly considered. Counsel for the applicant however, submits that accused No.3 and 4 have been granted bail by this court on June 10, 2005 by Justice Oka. It is argued that since the accused person who actually assaulted have been granted bail by this court, the applicant at whose instance assault was allegedly carried out, will have to be released on bail. It is argued that

there is no other evidence against the applicant regarding the offence.

3. This argument does not commend to me. The fact that accused No.3 and 4 have been released on bail, will not, in my opinion, be of any avail to the accused who is the principal offender. As can be seen from the prosecution case, at his instance assault was carried out. The fact that case of the accused No.3 and 4 is different from the case of the accused No.1 was fairly conceded by the counsel appearing for accused No.3 and 4, as can be discerned from the observations in paragraph No. 3 and 5 of the Order dated 10th June, 2005.

4. Taking over all view of the matter, in my opinion, granting bail to accused No.3 and 4 will be of no avail to the accused No.1, as there is sufficient material to indicate his complicity in the commission of the offence, as has been observed in order dated February 3, 2005, passed on the application preferred by the applicant herein. Viewed in this perspective, this application deserves to be rejected.

5. As prayer for bail has been rejected, the

Trial Court shall expedite the hearing of the case. Trial should preferably be concluded within 9 months from the receipt of this writ by the concerned court. Trial be assigned to Fast Track court, so as to ensure early disposal of the case and to be treated as High court expedited case.